



CANNABIS BUSINESS REGULATIONS

BACKGROUND INFORMATION: 2016 - 2021

OVERVIEW OF MARIJUAN BUSINESS REGULATIONS

2003: California's Medical Marijuana Program Act established possession limits for medical marijuana, a voluntary medical marijuana ID card program at the county level, and the right of patients to cultivate marijuana collectively. The act resulted in the establishment of medical marijuana dispensaries throughout the state.

Licensed medical marijuana dispensaries currently operate in the nearby cities of Richmond and Berkeley, as well as elsewhere in the east bay area.

2006: The El Cerrito City Council prohibited medical marijuana dispensaries in El Cerrito.

2015: California's Medical Cannabis Regulation and Safety Act (MCRSA) established the Bureau of Medical Marijuana Regulation and created a State and local permitting process for medical marijuana businesses and cultivation and also regulated physician recommendations for medical marijuana.

2016: California Proposition 64, the Adult Use of Marijuana Act, was passed by California voters, which:

- Legalizes marijuana under state law, for use by adults 21 or older.
- Imposes state taxes on sales and cultivation.
- Provides for industry licensing and establishes standards for marijuana products.
- Allows local regulation and taxation.

Under the new State law, as of November 9, 2016, it is legal for individuals to use and grow marijuana for personal use. However, the AUMA requires a state license to engage in commercial nonmedical marijuana activity and licensing authorities will not begin issuing licenses before January 1, 2018.

City can adopt business or land use regulations prohibiting or regulating commercial nonmedical marijuana businesses, which will be honored by the state. (State licensing authorities will not issue a license to a commercial nonmedical marijuana business if operation of the business violates a local ordinance of the jurisdiction in which the business will operate.)

Cities can ban the delivery of commercial nonmedical marijuana within their jurisdiction.

Cities can also ban commercial cultivation, personal outdoor cultivation, or retail sales of marijuana, however, this would make the city ineligible to receive state grant monies funded through the new state excise taxes established by AUMA.

Note: Marijuana use and cultivation remains illegal under federal law.



COMMERCIAL CANNABIS PUBLIC PROCESS

The information below reflects the past public process which was conducted regarding commercial cannabis in El Cerrito. The El Cerrito City Council adopted the [Commercial Cannabis Ordinance](#) on December 19, 2017.

COMMUNITY MEETING - FALL 2016

Thank you to everyone who attended the community meeting on September 12, 2016 to provide information and give feedback.

Download the [presentation](#)

Download the [notes from the group exercises](#)

Download summary of [comment cards](#) from meeting

On December 6, 2016, staff presented an [informational update](#) to the City Council including a summary of the community meeting.

COUNCIL PRESENTATION AND POSSIBLE DIRECTION ON MARIJUANA REGULATION -- APRIL 18, 2017

Last year, the City began a process to evaluate whether the City Council should lift and/or modify the City's ban on medical marijuana dispensaries (enacted in 2006) and ban on cultivation and delivery of marijuana (enacted in 2016).

On April 18, 2017 the City Council heard a presentation and provide direction to staff regarding regulation of marijuana in the City of El Cerrito.

Download the meeting [agenda](#).

At the meeting, the Council was presented with a preliminary potential framework for regulation of marijuana.

Download the [presentation](#) (PDF), which includes

- a background of regulation of marijuana in the United States
- a summary of the recent public process related to marijuana regulation in El Cerrito
- posed questions for the City Council for discussion of possible changes to the City's regulation of marijuana.

COMMUNITY MEETING REGARDING REGULATIONS FOR CANNABIS-RELATED BUSINESSES -- SEPTEMBER 13, 2017

On September 13, 2017, the City of El Cerrito held a community meeting to receive public input regarding an update to the City's regulations for cannabis-related businesses.

This community meeting provided an opportunity for interested parties to share input about Cannabis regulations in El Cerrito. Subsequent to the meeting, staff developed a draft ordinance based on the City Council's direction, public input, and best practices.



Community Development Department, Planning Division
10890 San Pablo Avenue, El Cerrito, CA 94530
www.el-cerrito.org/cannabis

CITY COUNCIL STUDY SESSION - OCTOBER 3, 2017

On October 3, 2017 the City Council held a study session to discuss and hear public input regarding a draft of an ordinance regulating cannabis businesses in El Cerrito.

CITY COUNCIL MEETING - COMMERCIAL CANNABIS ORDINANCE

At the November 21, 2017 City Council meeting, the City Council introduced a Commercial Cannabis Ordinance based on the City Council's input from the October 3, 2017 study session. The agenda for the meeting is available [here](#).

CANNABIS OPERATING PERMIT APPLICATIONS: AUGUST 13 – SEPTEMBER 3, 2020

The City of El Cerrito opened the window for application's for Cannabis Operating Permits on August 13, 2020. Applications were due by September 3, 2020. The City of El Cerrito received three applications for **two** Operating Permits for cannabis storefront businesses. A City review team consisting of staff from the Police Department, Community Development Department, City Manager's office, and City Attorney's office reviewed the applications.

The City review team evaluated the submitted applications based upon (1) the process and criteria established by Chapter 6.80 of the El Cerrito Municipal Code, (2) the complete packets of information submitted by each of the applicants, and (3) each team member's demonstrated specific knowledge and expertise in their respective fields and the commercial cannabis business as determined by the application and subsequent interview, (4) and the site plan for the proposed project. The review team invited all three teams to an interview. Based upon the written materials and interview, the review team ranked the applications and found that the application submitted by Authentic El Cerrito, LLC for the a Cannabis Storefront at 10764-10770 San Pablo Avenue was superior in terms of clarity; specificity; site selection, design and layout; and a comprehensive set of community benefits. The review team provisionally selected Authentic El Cerrito, LLC for issuance of a Cannabis Operating Permit. A **draft** of the Operating Permit and Conditions of Approval are available [here](#).

CANNABIS OPERATING PERMIT, PUBLIC MEETING – MARCH 9, 2021

The El Cerrito City Manager took action on an application for an Operating Permit for a cannabis retail business in March 2021. Public comments on the application were accepted until March 15, 2021. The City held a public meeting to receive public comments on Tuesday, March 9 at 5:00 p.m. Written comments were accepted by [email](#) or mail to the Planning Division at 10890 San Pablo Ave, El Cerrito, CA 94530.